

## **REMARKS**

### **I. Introduction**

Claims 1 to 20 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Claim for Foreign Priority**

Applicants yet again respectfully request acknowledgment of the claim for foreign priority and an indication that a certified copy of the priority document has been received. A claim for priority to German Application No. 102 35 368.9 was made, *inter alia*, in the "Combined Declaration and Power of Attorney for Patent Application" submitted on December 5, 2003. A certified copy of German Application No. 102 35 368.9 was submitted to the Office on July 30, 2003.

### **III. Rejection of Claims 1 to 20 Under 35 U.S.C. § 102(a)**

Claims 1 to 20 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 6,742,904 ("Bechtel et al."). Applicants respectfully submit that Bechtel et al. do not anticipate the present claims for at least the following reasons.

As an initial matter, it is respectfully submitted that U.S. Patent No. 6,742,904 does not constitute prior art against the present application under 35 U.S.C. § 102(a). This is because U.S. Patent No. 6,742,904 issued on June 1, 2004, which is after the July 30, 2003 filing date of the present application.

Claim 1 is directed to a device for automatically switching lighting equipment, including a "sensor element for detecting at least infrared radiation," and a "filter element adapted such that substantially *only* infrared radiation is detectable by the sensor element" (emphasis added).

Claim 10 is directed to a device for automatically switching lighting equipment including a "sensor element configured to detect at least infrared radiation," and a "filter element positioned between a source of the at least infrared radiation and the sensor element configured to filter non-infrared radiation."

Bechtel et al. purportedly describe equipment on a vehicle which is controlled by a system including at least one semiconductor light sensor having variable sensitivity to light. *Abstract, ll. 1-3*. In the thirty-five figures (Figs. 1 to 35) and seventeen columns (cols. 6 to 22) of text of Bechtel et al. as cited in the Office Action as alleged support of the present

rejection, only col. 21 mentions the term “infrared.” In this regard, the term “infrared” is used in conjunction with a filter 630 which is illustrated in Fig. 29. *Col. 21, lines 26-50*. The passage of text mentioning the term “infrared” states that the “filter 630 may be an infrared filter such as a hot mirror” and that it is “envisioned that the filter 630 could be provided for the sensor 170 using other constructions.” *Id.* Further, the same passage recites that these “filters reduce the infrared sensitivity of the light sensor 170.” *Id.* (emphasis added).

Nowhere do Bechtel et al. disclose, or even suggest, a filter element adapted such that substantially only infrared radiation is detectable by the sensor element, as recited in claim 1, or a filter element positioned between a source of the at least infrared radiation and the sensor element configured to filter non-infrared radiation, as recited in claim 10. Bechtel et al., as discussed above, state that the filters “reduce the infrared sensitivity.” Moreover, Fig. 1 to 35 of Bechtel et al. further demonstrate that Bechtel et al. do not disclose, or even suggest, the features of claims 1 and 10. For example, Fig. 31 (along with its supporting text from col. 22), appears to demonstrate that the filter is to be transparent in the visible range. In the infrared range, that is, with wavelengths above 1000 nm, the transmission of the filter amounts to only 1 to 5%. Thus Fig. 31, along with the other Figs. and text cited by the Office Action, runs counter to claims 1 and 10 of the present application. Thus, Bechtel et al. do not identically disclose, or even suggest, the features of claims 1 and 10. Accordingly, it is respectfully submitted that Bechtel et al. do not anticipate claims 1 and 10.

The remaining independent claims, *i.e.*, claims 5, 14, 19, and 20, include features analogous to features included in at least one of claim 1 and claim 10; and thus, the foregoing remarks apply to claims 5, 14, 19, and 20 as well. The remaining claims 2 to 4, 6 to 9, 11 to 13, and 15 to 18, depend from at least one of claims 1, 5, 10, 14, 19 and 20; and thus, the foregoing remarks apply to these dependent claim as well.

In view of all of the foregoing, it is respectfully submitted that Bechtel et al. do not anticipate the present claims. Withdrawal of this rejection is therefore respectfully requested.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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